

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-2, 4-6, 8-20, and 23-28 remain pending in the present application. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: the Office Action objected to Claim 13 as containing an informality; Claim 28 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 13-19, 24-25, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publ'n No. 2003/0084306 to Abburi et al. (hereinafter "Abburi"); Claims 1-2, 4-6, 8-12, 20, 23, and 27 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publ'n No. 2002/0114466 to Tanaka et al. (hereinafter "Tanaka") in view of Abburi; and Claim 26 was rejected under 35 U.S.C. § 103(a) as obvious over Tanaka in view of Abburi and U.S. Patent No. 5,737,416 to Cooper et al. (hereinafter "Cooper").

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants' representative wish to thank Examiner Schwartz for the courtesy of the personal interview granted on December 6, 2010. During the interview, amendments clarifying the claims over the applied references were discussed. It was agreed that those amendments would overcome the applied references. As those amendments have been made to Claim 1, the rejection of Claim 1 over Tanaka and Abburi should be withdrawn. Further, as related amendments have been made to independent Claims 13, 19-20, 23-25, and 28, the outstanding rejections of those claims should be withdrawn, as well.

¹ The amendments to independent Claims 1, 13, 19-20, 23-25, and 28 find support at least in Figures 6 and 9 and in their accompanying text in the specification. The amendments to independent Claim 8 find support at least in Figure 11 and in its accompanying text in the specification.

CLAIM OBJECTION

The Office Action objected to Claim 13 as containing an informality. Although it is believed that Claim 13 was grammatically correct as written, Applicants have amended independent Claims 13 and 19 to address the matter noted on page 2 of the Office Action. Accordingly, Applicants request the withdrawal of the objection.

REJECTION UNDER 35 U.S.C. § 101

Claim 28 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants do not subscribe to the Office's position that subject matter related to content distribution is pertinent to the claimed storage medium.²

Nevertheless, Applicants have amended Claim 28 to expedite prosecution in accordance with current Office policy. In particular, Claim 28 has been amended to clarify that the claimed storage medium is "non-transitory," on the understanding that "non-transitory" describes the recited medium rather than limits data storage persistency.³ Accordingly, Applicants request the withdrawal of the rejection under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. §§ 102-103

Claims 13-19, 24-25, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by Abburi. Claims 1-2, 4-6, 8-12, 20, 23, and 27 were rejected under 35 U.S.C. § 103(a) as obvious over Tanaka in view of Abburi.

In light of the several grounds of rejection on the merits, independent Claims 1, 13, 19-20, 23-25, and 28 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

Amended Claim 1 is directed to an information device including, in part,

² Cf. Office Action at 3.

³ See Subject Matter Eligibility of Computer Readable Media, 1351 Off. Gaz. Pat. & Trademark Office 212 (2010).

means for storing

a content file including an encrypted content
and an encrypted key block, and

a license including grouped device identification
information;

means for receiving key information in response to a
transmission of device identification information of the
information device and the grouped device identification
information . . . and upon a determination that fewer than a
predetermined number of information devices are associated
with the grouped device identification information . . . ; and

means for using the content by reading out the grouped
device identification information from the license, reading out
the key information based on the grouped device identification
information, decrypting the encrypted key block based on the
key information, and decrypting the encrypted content based
on the key block.

Tanaka and Abburi do not disclose or suggest those features.

Tanaka is directed to an information processing apparatus in which “the CPU 21 employed in the license server 4 receives . . . the leaf ID . . . from the client 1 through the communication unit 29 at the step S65”⁴ Further to Tanaka, “the charging server 5 checks the past payment history of the user identified by the user ID . . . to determine whether there is a record indicating that the user did not pay for requested licenses in the past.”⁵ Further to Tanaka, “If there is no record indicating that the user did not pay for requested licenses in the past, the charging server 5 transmits an examination result indicating that the granting of a license is approved.”⁶

That is, Tanaka merely describes receiving a license in response to a transmission of a leaf ID and upon a determination that a user did not pay for licenses. Tanaka does not disclose or suggest receiving key information in response to a transmission of grouped device

⁴ Tanaka, para. [0123].

⁵ Id., para. [0124].

⁶ Id.

identification information and upon a determination that fewer than a predetermined number of clients are associated with the grouped device identification information.

Tanaka does not disclose or suggest “means for receiving key information in response to a transmission of device identification information of the information device and the grouped device identification information . . . and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information,” as recited in amended Claim 1.

Abburi concerns an architecture in which “there is a limit on the number of devices that a user may register to receive copies of the license (e.g., five devices at a given time).”⁷ Abburi does not disclose or suggest that there is a limit on the number of devices to receive key information, as claimed.

Abburi does not disclose or suggest “means for receiving key information in response to a transmission of device identification information of the information device and the grouped device identification information . . . and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information,” as recited in amended Claim 1.

Thus, Tanaka and Abburi, taken alone or in combination, fail to disclose or suggest “means for receiving key information in response to a transmission of device identification information of the information device and the grouped device identification information . . . and upon a determination that fewer than a predetermined number of information devices are associated with the grouped device identification information,” as advantageously recited in amended Claim 1.

⁷ Abburi, para. [0451].

For at least the foregoing reasons, it is submitted Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Tanaka and Abburi.

For at least analogous reasons, it is submitted independent Claims 13, 19-20, 23-25, and 28 (and all associated dependent claims) patentably distinguish over any proper combination of Tanaka and Abburi.


Claim 26 was rejected under 35 U.S.C. § 103(a) as obvious over Tanaka in view of Abburi and Cooper. It is submitted Cooper fails to remedy the above-noted deficiencies in Tanaka and Abburi with regard to Claim 1. Accordingly, it is submitted that the rejection of dependent Claim 26 is moot.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Brian R. Epstein
Registration No. 60,329